

inventions identified in the statement of Restriction, none of claims 35-46 and 48-51 can be subject to such a Restriction.

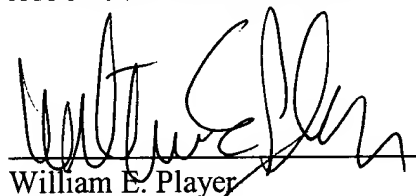
Whether the molecules represented by the SEQ ID numbers fall within the generic scope of any of claims 35-46 and 48-51 is irrelevant in the context of the present requirement for Restriction. It is well established that a claim cannot be subject to Restriction under § 121 merely because allegedly independent and distinct inventions fall within the generic scope of the claim. *In re Weber*, 198 USPQ 328-332 (CCPA 1978). *In re Haas* ("Haas I"), 179 USPQ 623 (CCPA 1973).

Favorable action is requested.

Respectfully submitted,

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